

CITY BOARD OF ZONING APPEAL #2364

DATE: September 16, 2003

SCHEDULED FOR PUBLIC HEARING: September 26, 2003

LOCATION: Generally located at Mission Circle and Mission Lane.

ADDRESS: 5331 Mission Circle.

LEGAL DESCRIPTION: Lot 7, Block 7, North Hills Addition.

APPLICANT: Kent Steen
5331 Mission Circle
Lincoln, NE 68521
(402) 742*2183

LOT AREA: Approximately 10,000 square feet, more or less.

ZONING: R-3, Residential

EXISTING LAND USE: Single Family Residential

SURROUNDING LAND USE AND ZONING:

North:	Residential	R-3, Residential
South:	Residential	R-3, Residential
East:	Residential	R-3, R-4, R-2, Residential
West:	Residential	R-3, Residential

TYPE OF APPEAL:

THIS APPEAL IS DIRECTED TO THE BOARD RELATIVE TO A VARIANCE.

Section 27.15.080(a), L.M.C. requires a rear yard of 24 feet. A variance from twenty-four (24) feet to sixteen (16) feet is requested.

STAFF FINDINGS:

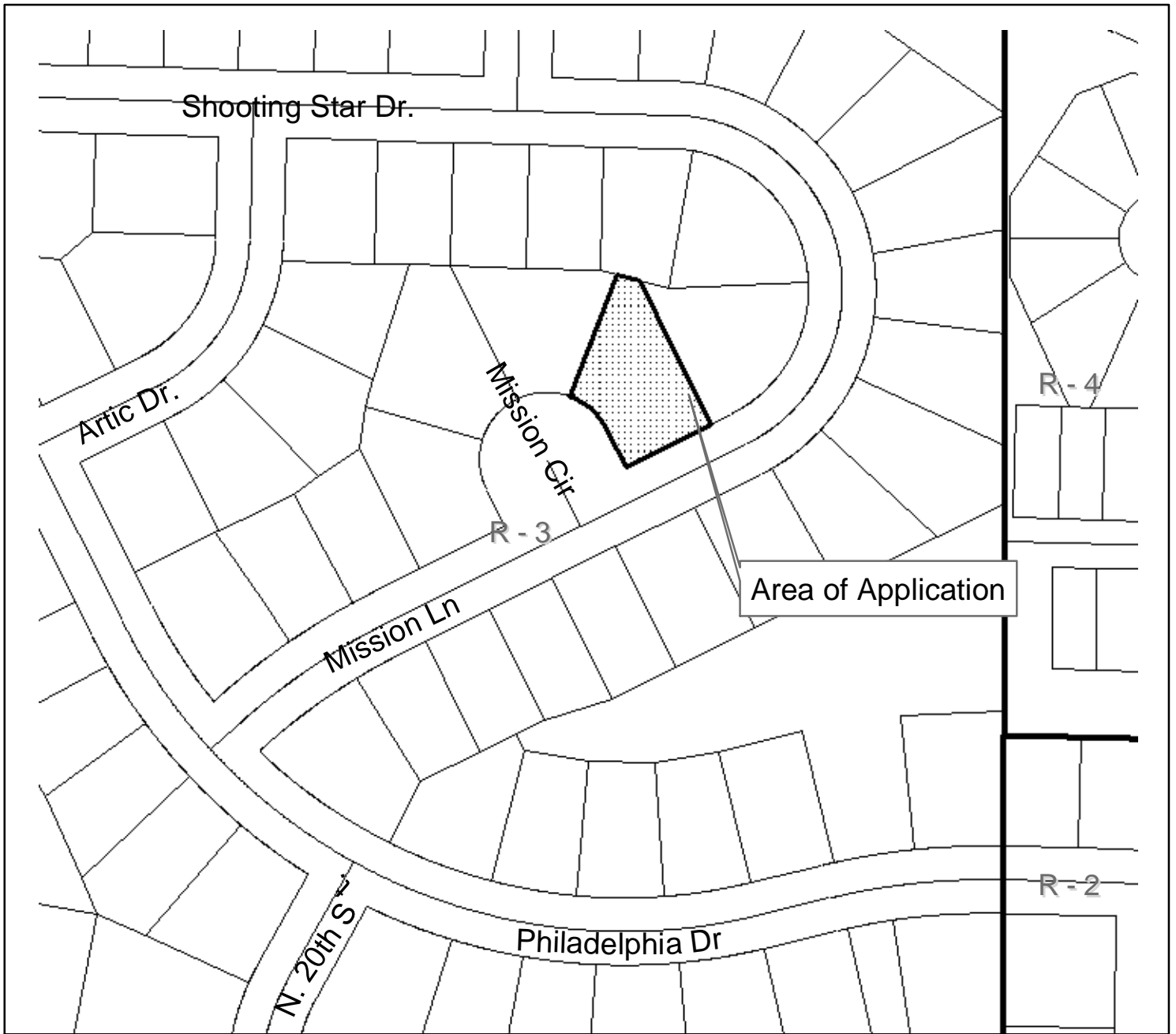
1. This is a request to reduce the required rear yard from 24 feet to 16 feet so the applicant may construct a sunroom attached to the residence.
2. The rear yard is considered to be the east property line currently. The applicant proposes to change the rear yard to the north property line, north of the existing garage. The existing garage is 16' off the north property line. The property line east of the proposed sunroom would then be considered a side yard and have a setback of 5 feet. This request is to reduce the rear yard to 16 feet so the rear

yard can be moved from the east property line to the north property line.

3. The house was constructed in 2002.
4. The applicant indicates that the angled cul-de-sac lot and placement of the house require a variance to the rear yard so that a sunroom can be attached to the house.
5. It appears that due to the size of the proposed sunroom and placement of the house that attaching a sunroom is problematic. The lot is irregular shaped and is on the corner of a cul-de-sac. Other corner lots in cul-de-sacs in the neighborhood have a similar condition. The neighbor immediately to the east will have the same situation should they choose to add a sunroom, which may create a domino effect in the neighborhood.
6. The placement of the residence, in 2002, should have considered the shape of the lot and the closeness of the east lot line to the patio. Had the house plan been flipped so that the patio and living area of the house been closer to the larger portion of the yard, this appeal would not have been necessary. This is a situation created in part by how the house was located on the lot.
7. The Board of Zoning Appeals is empowered to grant variances "to the extent necessary to permit the owner a reasonable use of the land in those specified instances where there are peculiar, exceptional and unusual circumstances in connection with a specific parcel of land, which circumstances are not generally found within the locality or neighborhood concerned."
8. If this appeal were not granted, the owners could erect an uncovered deck, not exceeding three feet in height, in the required rear yard setback, not less than two feet from the side lot line.

Prepared by

Becky Horner
Planner

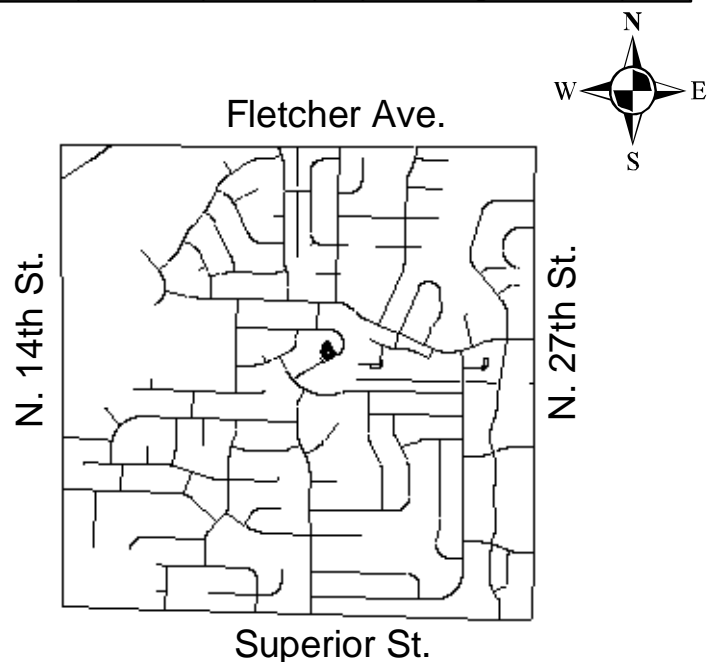
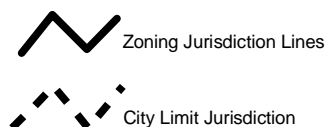


Board of Zoning Appeals #2364 5331 Mission Circle

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile
Sec. 1 T10N R6E





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5331 Mission Circle



Lincoln City - Lancaster County Planning Dept.
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